From: Alen Shapiro
To: Microsoft ATR
Date: 1/28/02 12:28am
Subject: Microsoft Settlement

The proposed Microsoft settlement is a BAD idea.

I'm a computer professional. I am a partner and co-founder of Softek
Partners Inc. (http://www.softekpartners.com). I develop portable
software that runs on Windows, UNIX and Macintosh. Time and again I've
seen Microsoft produce software that adheres to standards, gain market
share and then subtly "extend" the standard to provide "new facility".
Trouble is the "new facility" will only run under Microsoft operating
systems which means that software developed using the "new facility" is
no longer portable.

This is a monopolistic tactic of the worst kind. Subtly locking software
development into the Microsoft supported platforms. The initial software
developers are seduced by the recommended "new facility" and can hit 95%
of their market with the product they develop thus perpetuating the
monopoly and making it harder to jump the hurdle that would allow
software developer to port their software to other operating system
(i.e. non Microsoft operating systems).

For examples of this behavior just look at the Microsoft Visual C++
programming suite. Look at the extensions to the ANSI standard. Other
compiler producers (e.g. Metrowerks) have to support Microsoft's
non-portable extensions to sell their competing products, and that's
just on the Windows platform. What about UNIX and Macintosh. These other
platforms should be encouraged as an alternative to the monopoly. The
current settlement does nothing significant in this regard. Microsoft
need to be prevented from extending standards without providing timely
support for competing products in the areas they dominate. Microsoft are
just too big for other industry participants to do anything other than
roll over when threatened.

Another example is the treatment of Sun's Java (dutifully extended by
Microsoft).

How about ".net" which is a "new" spin on an old (portability) idea. Why
do I need to be tied to Microsoft services to take advantage of it. I do
not trust Microsoft to allow competition in this area. They must be
required to release all API specs. (including file formats) to all who
request them with sufficient time to take advantage of the specs.
Microsoft should not be allowed to own this resource. Once again, they
are too big and will stifle innovation and the general commerce that
would have resulted.

The Internet is a public resource, it should be protected. No one company should be in a position to own it or it's resources. For example, Microsoft is in a good position to implement "extensions" to the TCP-IP protocol to, say, "save the net" from its security vulnerabilities. It is a logical step for them to take. Perhaps not now but soon. Once those new TCP-IP stacks are distributed (only on Microsoft platforms of course), interoperability with other platforms would be denied at a fundamental networking level.

Currently Microsoft selectively target competing technologies by adding them to exclusions in their "terms of use" license. They should be stopped from doing this. Specifically, I should be able to run Microsoft products in whatever emulators I choose, without Microsoft being allowed to stipulate within which virtual environment they may run. This will prevent Microsoft from limiting their software to only run in the environments they sanction and should help limit Microsoft's monopoly. Of course, the above preventive measure only works if Microsoft actually publish their APIs and file formats and, if there are any independent developers left to use these specs.

You have the chance to set a line in the sand. Don't back down now, not after all the hard work you've done. Put enforceable limitations on Microsoft's business practices in place now and then enforce them when Microsoft test how far they can go and how far you are prepared to go to stop them.

Your current (proposed) settlement has already been marginalized. Do you really want to have to do this whole thing over again in a year when Microsoft feel comfortable enough to pretend your definitions are no longer applicable? What remedies will you be able to enforce?

Alen Shapiro
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I was just trying to turn my SPARC into a FLAME and I Carbonised it!!